

Case 2 - Anna L.

Anna L., who has been diagnosed as suffering from Fetal Alcohol Syndrome, is now eighteen years old. She lives with her mother, younger brother, and stepfather in Anchorage. Her birth father works on the North Slope. He sees Anna when he is in town, but she has not lived with him, except for an occasional weekend, since she was very young. He makes regular child support payments. Anna considers both her natural father and her stepfather to be her father. She says she has two fathers.

Anna attends special education classes at the local high school. Her mother would like her to continue to do so as long as possible. Anna reads a little – at perhaps a third-grade level and can perform very basic addition and subtraction. She has a small circle of friends – mostly cousins and other students from her class.

Beyond the child support payments from Anna's natural father, her mother and stepfather cover Anna's expenses.

While Anna's mother believes that Anna may someday be able to live more independently, she doesn't think that the girl can do so yet. Both the mother and the stepfather prefer that Anna continue to live with them as she does now. The mother wonders if the birth father can be required to continue to pay child support. She also knows that Anna may be eligible for social security disability payments.

While the birth father agrees that Anna is probably not capable of supporting herself, he is unwilling to continue to contribute to her financial support, since she will be eligible for government benefits.

When Anna turned eighteen, both Anna's therapist and her physician told her mother that she must apply to be appointed as legal guardian for her daughter in order to continue to make decisions regarding her care. While Anna cooperates in her therapy and medical care, she can't schedule regular appointments and her mother monitors medications.

The school system has also informed Anna's mother that for them to discuss Anna's continued schooling they will need to see proof of the mother's continued legal authority.

The need to apply for a guardian upsets the mother: "I'm her mother. She can't really understand her own medical needs. I've always taken care of her. Why do I need to do this? Why can't we continue just as we have? We manage quite well."

Study Questions

- At eighteen, Anna is now an adult under Alaska law, although everyone who knows her seems to agree that she is not capable of living completely independently yet.

- A parent must petition the court to be appointed guardian in order to continue legally to make decisions for Anna.
- It is not completely clear that Anna needs a full guardian. The court will consider many factors.
- What kinds of daily life activities can Anna handle independently?
- Has either parent begun to apply for Anna's government benefits?
- What does Anna think about her living situation? About her educational situation? Has she articulated plans or hopes for herself?
- What do Anna's teachers say about her educational prospects?
- To what extent is Anna able to handle her own money?
- To what extent do Anna's family members agree about her needs?
- Have any plans been made for Anna's future over the long term?
- To what degree can Anna herself understand that her legal situation has changed?
- Since she turned eighteen, Anna's legal rights and independence are now protected differently under state laws. Neither parent automatically has the right to continue to make decisions for her, although the court may agree that she cannot live independently or care for her own needs.

Anna L. Case Conclusion

Although resistant at first, Anna's mother gradually understood that she would need to petition the court to be her daughter's guardian now that the girl is eighteen. Before she did so, she talked with Anna's birth father. He agreed that it would be better for their daughter if the mother was the legal guardian. The girl herself only vaguely grasped the nature of the court guardianship process, although her mother talked to her about it.

As she prepared the court petition, the mother spoke at length with Anna's doctors and her school teachers. Both the doctors and the teachers felt that Anna would be a good candidate for further developmental education. Her teachers felt that with proper training the girl would be able to eventually hold a job in which her responsibilities would be clearly defined and she would have adequate supervision. The teachers suggested several programs that might prepare Anna for such independence.

Her mother talked with Anna herself about the possibility of attending such a program. The girl was enthusiastic about continuing to go to school.

The mother also assembled information about social security disability benefits. She learned that she would need to apply to be the representative payee for Anna in order to handle the payments.

She also learned that state law would not require the birth father to continue to make child support payments.

She and her husband wanted Anna to continue to live with them for the near future. While the girl could tend to her own physical care and had already learned to handle some basic household chores, they didn't think she was ready yet to live on her own, even in a supported arrangement. They did, however, recognize, that she might be able to do so in the future.

Anna's mother was appointed as a full guardian with the powers of a conservator. The plans for Anna's continued education were specifically listed in the guardianship plan approved by the court, with the understanding that it would be reviewed in the future and modified as Anna's development warranted. Anna herself appeared in court with her mother and stepfather. The judge explained the decisions to her. The judge also explained that with continued education and development, a full guardianship might not be necessary in the future. Anna's mother would be responsible for letting the court know if something less restrictive was in her daughter's best interest.